

Remarks

Claims 1-2, 4-7, 10, 12, 14-16, 18-21, 24, 26, and 28-37 are pending. Claims 29-37 are withdrawn from consideration. Claims 1-2, 4-7, 10, 12, 14-16, 18-21, 24, 26, and 28 are cancelled herein, and new claims 38-57 are provided.

Claims 1-2, 4-7, 10, 12, 15-16, 18-21, 24 and 26 stand rejected under 35 U.S.C. § 103(a) over U.S. Patent 6,160,874 (Dickerman) in view of U.S. Patent 6,310,873 (Rainis), and further in view of U.S. Patent 5,844,972 (Jagadish) or U.S. Patent 5,659,601 (Cheslog).

New independent claims 38 and 48 are provided in substitution for the cancelled independent claims 1 and 15. New claims 38 and 48 recite (1) accumulating the plurality of communications services events and associated costs in the interface computer system over a billing period to form an initial billing period cost for the customer, (2) at an end of the billing period, re-calculating the costs for each communications services event to form a final billing period cost, and (3) the interface computer system posting the final billing period cost to the customer account in the financial bank card network, wherein the posting is performed in a format suitable for the financial bank card network. Advantageously, the re-calculating can be implemented to include surcharges and discounts that are calculated based on the accumulated services events. Neither Dickerman, Rainis, Jagadish, Cheslog, nor the combination of them teach or suggest all the claim limitations of new independent claims 38 and 48.

Rainis, including the cited text at col. 2, lines 12-27, discusses telephone charges being accumulated by a conventional telephone system. The telephone system in Rainis accumulates call data and bills the customer, and performs any amount calculations and adjustments. Rainis does not teach or suggest an interface computer system that interacts with a financial bank card network, does not teach or suggest re-calculating the costs for each communications services event to form a final billing period cost, and does not teach or suggest posting a final billing period cost to a customer account on a financial bank card network.

Jagadish discloses adjusting charges for old calls (*i.e.*, previously made calls) to reflect certain types of billing plans. Jagadish is describing a telephone system that bills calling card calls (*i.e.*, prepaid calls) in a manner similar to phone calls that are billed monthly (see abstract). Cheslog teaches a cellular system for determining the most cost effective service plan for each user, and discloses an iterative operation for calculating discounts for determining a cheapest rate plan (see col. 4, lines 53-67, and at col. 5, lines 1-12). Cheslog selects a rate plan, calculates the

cost of using the rate plan for a current usage, and selects the cheapest plan to use for the billing of accumulated cellular calls. Selecting a lowest cost rate plan for cellular services does not read on billing for accumulated communication services events to a financial bank card network.

Jagadish and Cheslog do not teach or suggest an interface computer system that interacts with a financial bank card network, do not teach or suggest re-calculating the costs for each communications services event to form a final billing period cost, and do not teach or suggest posting a final billing period cost to a customer account on a financial bank card network.

The Court of Appeals for the Federal Circuit has held that "It is insufficient that the prior art disclosed the components . . . there must be some teaching, suggestion, or incentive to make the combination made by the inventor." Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990), *cert. denied*, 498 U.S. 920 (1990). There is no motivation to combine either Jagadish or Cheslog with Dickerman and Rainis. None of the cited references teach or even suggest such a combination. Moreover, the asserted combination would not produce an interface between a financial bank card network and a communication system, as in the present invention. Thus, claims 38 and 48 are allowable over Dickerman, Rainis, Cheslog and Jagadish. Dependent claims 39-47 and 49-57 are allowable for the same reasons as claims 38 and 48.

Claims 14 and 28 stand rejected under 35 U.S.C. § 103(a) over Dickerman in view of Rainis in further view of Jagadish or Cheslog and the admitted prior art. New claims 47 and 57, corresponding to claims 14 and 18, are allowable for the same reasons as claims 38 and 48.

Applicants submit that there are numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted in the interests of brevity. Applicants respectfully request allowance of claims 38-57.

Please feel free to call me to discuss the patentability of claims 38-57.

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SIGNATURE OF PRACTITIONER

Gregg Jansen, Reg. No. 46,799
Duft Setter Ollila & Bornsen LLC
Telephone: (303) 938-9999 ext. 14
Facsimile: (303) 938-9995

CORRESPONDENCE ADDRESS:

CUSTOMER NO. 28004

Attn: Harley R. Ball
6391 Sprint Parkway
Mailstop: KSOPHT0101-Z2100
Overland Park, KS 66251-2100